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August 13, 2014

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

This memorandum contains a report on the following:

- **Status of County-Sponsored Legislation**
 - **County-co-sponsored SB 473 (Block)** - related to human trafficking, passed the Assembly Floor on August 11, 2014, and now returns to the Senate for concurrence of Assembly amendments.
 - **County-sponsored SB 1136 (Huff and Mitchell)** - related to child welfare agencies' access to criminal records for foster care providers, passed the Senate Floor on August 11, 2014, and now proceeds to the Governor.
- **Status of County-Advocacy Legislation.** Updates on six County-advocacy measures related to: 1) vote-by-mail applications; 2) property tax agent registration; 3) the display the government agency logos on contractor uniforms and vehicles; 4) design-build contracts; 5) human trafficking; and 6) the Chinese Exclusion Laws.
- **Report on Legislation of County Interest. AB 2756 (Committee on Revenue and Taxation).** This measure would establish an assessment analyst certification program developed by the State Board of Equalization, and procedures related to the availability of a biodiesel tax refund/reimbursement.

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Status of County-Sponsored Legislation

County-co-sponsored SB 473 (Block), which as amended on August 7, 2014, would add human trafficking to the list of felony offenses that may be used to establish a pattern of criminal gang activity pursuant to Proposition 21 of 2000 and make an individual eligible for enhanced criminal sentences and penalties, passed the Assembly Floor by a vote of 79 to 0 on August 11, 2014. This measure now returns to the Senate for concurrence of Assembly amendments. Once approved by the Senate, SB 473 will proceed to the Governor.

County-sponsored SB 1136 (Huff and Mitchell), which as amended on June 25, 2014, would: 1) require the California Department of Social Services (CDSS) to provide, upon the request of a county child welfare agency, a list of each individual with a criminal record exemption related to a licensed or certified foster home so that counties may assess the appropriateness of placing a child in the foster home with which the individual is associated; and 2) authorize CDSS to share with county child welfare agencies summary information related to a criminal record clearance or exemption granted by the department; among other provisions, unanimously passed the Senate Floor, with concurrence of Assembly amendments, by a vote of 35 to 0 on August 11, 2014. This measure now proceeds to the Governor.

Status of County-Advocacy Legislation

County-supported AB 1596 (Garcia), which as introduced on February 4, 2014, would require that Vote-by-Mail applications specify that the only appropriate destination to mail back applications is the county registrar's office, passed the Senate Floor by a vote of 36 to 0 on August 11, 2014. This measure now proceeds to the Governor.

County-supported AB 2415 (Ting), which as amended on August 5, 2014, would, beginning April 1, 2016, require a property tax agent to register with the Secretary of State before representing a taxpayer before a county official, passed the Senate Appropriations Committee by a vote of 5 to 2 on August 11, 2014. This measure now proceeds to the Senate Floor.

County-opposed SB 556 (Corbett), which as amended on September 4, 2013, would prohibit private entities contracting with a local government agency to provide public health and public safety services from displaying the agency's logo on their uniforms or vehicles, which might imply the agency is providing those services, unless the vehicle or uniform conspicuously displays a disclosure to identify them as a contracted service provider, was amended on August 7, 2014.

As currently amended, SB 556 adds provisions that would: 1) specify that this measure would apply to all contracts for labor or services entered into on or after January 1, 2015; and 2) prohibit a public agency from requiring contract employees to wear a badge containing the agency's logo. Also, as amended, this measure is now authored by Senator Alex Padilla.

The Department of Health Services (DHS), Internal Services Department, and County Counsel note this bill continues to be problematic as it would add costs to contractors providing public health services which would be passed on to the County, tax payers, and consumers. In addition, it would create an additional workload for impacted County departments. The bill continues to be vague and unclear as to what remedies would be available against the County as the agency overseeing contractors should they fail to follow these provisions. **Therefore, unless otherwise instructed by the Board, the Sacramento advocates will continue to oppose SB 556.**

This measure is currently on the Assembly Floor.

County-supported SB 785 (Wolk), which as amended on June 17, 2014, would: 1) enact uniform provisions authorizing local agencies to utilize the design-build contract procurement process; 2) lower the project cost threshold to \$1.0 million; and 3) add minimum factors to the criteria used to evaluate design-build proposals, was amended on August 4, 2014.

As currently amended, the bill also would provide new standards and guidelines for a skilled and trained workforce for design-build projects. Specifically, the bill would require that a design-build entity must provide an enforceable commitment to a local agency that all of its and its subcontractors workers are either skilled journeypersons or apprentices registered in an apprenticeship program approved by the Chief of the Division of Apprenticeship Standards.

The author also agreed to accept an amendment to include a sunset date of January 1, 2025 on the design-build authorizations contained in the bill. The language for that amendment is not yet in print.

The Department of Public Works (DPW) indicates that the recent amendments may have the effect of favoring contractors who are signatory with trade unions over non-union contractors. The DPW reports that the impact of these changes on public agencies cannot be accurately quantified at this time, but they are not expected to be significant.

The Department of Public Works and this office continue to support SB 785 as amended. **Therefore, unless otherwise instructed by the Board, the Sacramento Advocates will continue to support SB 785.**

SB 785 passed the Assembly Appropriations Committee by a vote of 13 to 4 on August 6, 2014. This measure is pending on the Assembly Floor for consideration.

County-supported SB 939 (Block), which as amended on June 23, 2014, would add human trafficking, pimping, and pandering to the specified offenses to which certain jurisdictional requirements apply allowing for the consolidation of multiple charges of these crimes from multiple jurisdictions into a single trial if all district attorneys in counties with jurisdiction agree to the venue, passed the Senate Floor by a vote of 35 to 0 on August 11, 2014. This measure now proceeds to the Governor.

County-supported SJR 23 (Huff and De León), which as amended on May 23, 2014, would request the U.S. Congress to adopt resolutions of apology to the Chinese community for the enactment of the Chinese Exclusion Laws, passed the Assembly Judiciary Committee by a vote of 10 to 0 on August 12, 2014. This measure now proceeds to the Assembly Floor.

Status of Legislation of County Interest

AB 2756 (Committee on Revenue and Taxation), which as amended on August 5, 2014 would: 1) require the State Board of Equalization to establish an assessment analyst certification program for State, county, or city and county assessor/assessment analysts; and 2) establish procedures related to the availability of a biodiesel tax refund/reimbursement to persons who have paid such a tax.

AB 2756 would require an employee of the State, a county, or a city and county who has the authority to make decisions with regard to changes in ownership status and/or property tax exemptions to possess a valid Board of Equalization (BOE)-issued assessment analyst certificate. AB 2756 would authorize the Board of Equalization (BOE) to contract with the State Department of Human Resources to perform an examination process for the assessment analyst certification program. The certification program and ensuing certifications would be provided free of charge to counties, cities and counties, and/or applicants.

Once an assessment analyst passes this exam, he/she would be granted a certificate by the BOE. In order to remain certified, an assessment analyst must complete at least 24 hours of training annually in areas that include, but are not limited to, new

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developments in applicable case law, statutory law, and administrative rules. Any failure to complete the assessment analyst certification training program would constitute grounds for revocation of an analyst's certification via completion of revocation proceedings.

The Office of the Assessor (Assessor) indicates that the proposed assessment analyst certification program would be in the best interest of assessors, as well as the general public. The Assessor further notes that the certification program will provide for increased accuracy in assessment via increased professionalism and training of County assessment analysts.

The Los Angeles County 2013-14 Civil Grand Jury Report recommended that the County support AB 2756 or similar legislation to require an assessor certification for decision-making in the discerning of "change of ownership," and transfers of real property. In response to this recommendation, this office advised the Civil Grand Jury that the County does not have Board-approved legislative policy to support AB 2756; however, the Assessor advised the Civil Grand Jury that the Department has extended their independent support to the measure via the elective office authority maintained by the Assessor.

AB 2756 is supported by the California Assessors Association and the Los Angeles County Office of the Assessor. There is no registered opposition to this measure.

AB 2756 is currently on the Senate Appropriations Committee's Suspense File.

We will continue to keep you advised.

WTF:RA
MR:VE:IGEA:ma

c: All Department Heads
Legislative Strategist